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SCSL-11-02-T  
(343-345)

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SPECIAL COURT FOR SIERRA LEONE

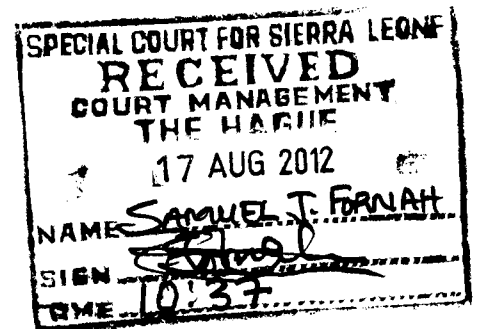
TRIAL CHAMBER II

Before: Justice Teresa Doherty, Presiding Judge  
Single Judge, Trial Chamber II

Registrar: Ms. Binta Mansaray

Case No. SCSL-11-02-T

Date filed: 17 August 2012



The Independent Counsel

-v-

Hassan Papa Bangura  
Samuel Kargbo  
Santigie Borbor Kanu  
Brima Bazy Kamara

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**PUBLIC**

**URGENT DEFENCE REQUEST FOR JUDICIAL NOTICE TO BE TAKEN OF A FACT  
AND FOR CORRECTION TO DECISION ON URGENT DEFENCE APPLICATION  
FOR PERMISSION TO INSTRUCT HANDWRITING EXPERT**

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Independent Counsel:  
Mr. Robert L. Herbst  
Mr. Mohammed Bangura

Counsel for the Accused:  
Mr. Melron Nicol-Wilson  
Chief Charles A. Taku  
Mr. Kevin A. Metzger  
Mr. A.F. Serry Kamal

Office of the Principal Defender:  
Mrs. Claire Carlton-Hanciles

1. The Learned Judge issued a Decision on the Urgent Defence Application for Permission to Instruct Handwriting Expert on 15 August 2012, pursuant to application by the Defence on behalf of The Defendant, Kanu.
2. It is noted that in paragraph 8 of the Decision it is stated that “At no point in the course of cross-examination was it put to Sengabo that any of the signatures ascribed to Kanu by Sengabo in Exhibit P15 were not those of the Accused Kanu”.
3. It is respectfully submitted that the above statement was erroneous in that it failed to take into account that it was suggested to Mr. Sengabo in cross-examination on behalf of Mr. Kanu that the signature he referred to on 30 November 2010 was completely different to other signatures accepted to be Kanu’s.<sup>1</sup> This fact may have been obscured by the Prosecution’s objection, but it is nevertheless wrong to say that this was not put to the witness. Counsel for Kanu later underlined the defence position, when he suggested that the signature on 30 November does not accord with the signature on 26 November 2010.<sup>2</sup>
4. The Honourable Court is also asked to review the evidence and take judicial notice, pursuant to RPE Rule 94 in that it is respectfully submitted that the part of the transcript cited in paragraph 8 of the decision<sup>3</sup> is inaccurate because the question related to an entry on 26 November 2010<sup>4</sup> which counsel sought to distinguish from the disputed signature on 30 November 2010.
5. Accordingly, the Honourable Court is asked to take judicial notice of the fact that Counsel for Kanu did dispute that the signature depicted in Prosecution Exhibit P 15A on 30 November 2010 was Mr. Kanu’s in the cross-examination of Mr. Sengabo.

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<sup>1</sup> Transcript 4 July, p.1080, lines 14-15.

<sup>2</sup> Transcript 4 July, p. 1081, lines 23-24.

<sup>3</sup> Cited as Transcript 4 July, p.1080-1081. eg. Q: “the signature there, that is Mr. Kanu’s isn’t it?” A: “Yes.”

<sup>4</sup> As clearly indicated by Counsel inviting the witness to look at the entry for 26 November 2010 earlier, Transcript 4 July, p. 1079, lines 13-14. Here Counsel was putting to the witness an agreed signature in order to submit that that was a different signature from that which appeared on 30 November 2010.

Respectfully submitted,



Kevin A. Metzger

Counsel for Santigie Borbor Kanu

Dated 17 August 2012